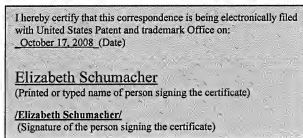


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles W. Pearce  
 Serial No.: 09/755,826  
 Filed: January 4, 2001  
 Title: **A METHOD OF MANUFACTURING A LATERALLY DIFFUSED METAL OXIDE SEMICONDUCTOR DEVICE**  
 Grp./A.U.: 2813  
 Examiner: Jack S J Chen Confirmation No.: 5388

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:



ELECTION OF CLAIMS

In response to the Official Action of September 19, 2008, Applicant hereby elects, with traverse, Claims 1- 3, 5-9 and 21, comprising Group I listed below.

Applicants submit that the restriction requirement is improper since a search and examination has already been performed on the claims, particularly with regard to Groups I and II. As stated in section 803 of the MPEP: "If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims

to independent or distinct inventions." (Emphasis added.) Since a search and examination has already been performed with respect to the Office Action issued on February 27, 2008, the present pending claims do not present a serious search and examination burden. Therefore, the Applicants respectfully request that the restriction requirement be withdrawn with respect to Group I (Claims 1-3, 5-9 and 21) and Group II (11-13, 15-18, 20 and 22). The Applicants sympathize with the Examiner's position that Group III (Claims 23-24) might require a new search, and thus do not traverse the restriction requirement with regard to Group III from Groups I & II.